

LONG WALK NATIONAL HISTORIC TRAIL STUDY ACT

SEPTEMBER 28, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1384]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1384) to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Long Walk National Historic Trail Study Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Beginning in the fall of 1863 and ending in the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years.

(2) Thousands of Native Americans died at Fort Sumner from starvation, malnutrition, disease, exposure, or conflicts between the tribes and United States military personnel.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

“() The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelly, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.”.

Amend the title so as to read:

A bill to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

PURPOSE OF THE BILL

The purpose of H.R. 1384, as ordered reported, is to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

BACKGROUND AND NEED FOR LEGISLATION

In the fall of 1863, Colonel Christopher “Kit” Carson, under the direction of the United States Army, initiated a military campaign against the Navajo people. Approximately 8,000 Navajos and 500 members of the Mescalero tribe were forced to make a 350-mile forced march from their ancestral lands in northeastern Arizona and northwestern New Mexico to a desolate strip of land known as the Bosque Redondo in the eastern region of New Mexico. This military campaign is often called “The Long Walk.”

Intended to be a reservation, the ill-planned site, named for a grove of cottonwoods by the river, turned into a virtual prison camp for the Native Americans. More than 3,000 Navajo people died due to starvation, malnutrition, exposure to freezing temperatures, disease, or by gunfire during the tragic years of the Long Walk.

The Navajos were interred in the camp for four years until President Ulysses Grant, appalled by the abysmal conditions, issued an Executive Order demanding the termination of the military suppression. The United States and the Navajo tribes executed the Treaty of 1868 recognizing the Navajo Nation as it exists today.

As ordered reported, H.R. 1384 will require the National Park Service to study the areas specified in the bill to determine if they are suitable for designation as a National Historic Trail.

COMMITTEE ACTION

H.R. 1384 was introduced on April 3, 2001, by Congressman Tom Udall (D-NM). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On May 8, 2001, the Subcommittee held a hearing on the bill. On May 17, 2001, the Subcommittee met to mark up the bill. Congressman Udall offered an amendment in the nature of a substitute to address two concerns raised at the hearing. First, the amendment specified that instead of an outright designation of the route for inclusion in the National Trails System, the Secretary of the interior was authorized to examine the suitability of designating the route for potential inclusion in the National Trails System. The original bill added the trails to the National Trails System without first requesting a study. Second, the original title of the bill referred to the route as “the Navajo Long Walk to Bosque Redondo.” The amendment modified the title to reflect that there were other Native American tribes in addition to the Navajo who were affected by the events described in the bill. The amendment in the nature of a substitute was adopted by voice vote. The bill as amended was then ordered

favorably reported to the Full Committee. On September 12, 2001, the Full Resources Committee met to consider the bill. No further amendments were offered and the bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *General Performance Goals and Objectives.*—This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 21, 2001.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1384, the Long Walk National Historic Trail Study Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact for this estimate is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1384—LONG WALK NATIONAL HISTORIC TRAIL STUDY ACT OF
2001

H.R. 1384 would amend the National Trails System Act (NTSA) to add the Long Walk Trail to the list of routes to be studied for possible inclusion in the National Trails System. Under the NTSA, the Secretary of the Interior would have three years to conduct a study of trail, which is composed of several routes located in Arizona and New Mexico.

Based on information provided by the National Park Service and assuming appropriation of the necessary amount, CBO estimates that it would cost the federal government about \$400,000 over the next three years to conduct the required study. H.R. 1384 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in *italic* and existing law in which no change is proposed is shown in *roman*):

SECTION 5 OF THE NATIONAL TRAILS SYSTEM ACT

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) * * *

* * * * *

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) * * *

* * * * *

() *The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelly, Arizona,*

*and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra
Pintado, and Fort Sumner, New Mexico.*

* * * * *

